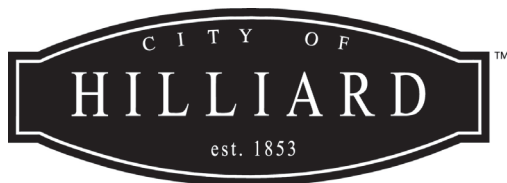
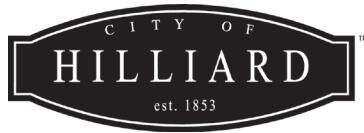


**Proposed
Amendments
to the
City of Hilliard
Charter**

November 5, 2019
General Election
Issue 25 and Issue 26
Voter's Information Guide





Voter information
on proposed amendments
to the City of Hilliard Charter

Issue 25 and Issue 26

The City of Hilliard and
Hilliard City Council
believe an informed electorate is
vital to representative, democratic
government.

The publication and distribution of this
guide provides voter information about
Issue 25 and Issue 26. It should neither
be construed as an endorsement nor
opposition of proposed changes.

November 5, 2019, Ballot Issues

On November 5, 2019, registered voters in the City of Hilliard will be asked to cast their ballot on proposed amendments to the Charter, the document that serves as the City's governing constitution.

Voters will decide two separate issues, Issue 25 and Issue 26. If approved by voters, the changes would take effect January 1, 2020.

By law, the City is mailing this printed copy of all proposed changes to every registered Hilliard voter. This information also will be placed on the City of Hilliard website at www.hilliardohio.gov/2019election/

Interpreting This Guide

This document provides registered voters within the City of Hilliard with a detailed set of proposed changes and information about Issue 25 and Issue 26 in order for voters to make informed decisions.

Additions to the Charter are shown in ***CAPITAL, BOLD-FACED, ITALICIZED LETTERS***. Deleted portions are in bold-face and are struck out: ~~deleted content~~.

History and Background

The original City of Hilliard Charter was adopted in 1963 to serve as Hilliard's municipal government constitution. Since then, the Charter has been revised four times with voter approval in 1981, 1993, 2009 and 2018.

In 2017, the City of Hilliard convened a commission comprised of community residents to perform a review of the City Charter and make recommendations for changes to reflect our evolving community.

In 2018 City Council began reviewing recommendations from the Charter Commission. As a result of that review, Council placed an issue on the November 2018 General Election, asking voters to decide whether it was the community's will to convert from a Council-Mayor form of government to a Council-City Manager system.

Voters approved that change in Hilliard's form of government, which goes into effect Jan. 1, 2020, as Hilliard's fourth amendment to the charter.

In the meantime, City Council continued to review the remaining recommendations of the Charter Commission, as well as the general language in the version of this document that had been approved in 2009.

In June 2019, City Council voted on Ordinance 18-26 (Amended) and in July 2019 Ordinance 19-13 (Amended), placing two issues on the November 5, 2019, General Election ballot.

Issue 25 Ballot Language

Shall the proposed revisions to the Charter of the City of Hilliard, including amending Sections 2.02 (Qualifications), 2.05 (Vacancies, How Filled), 2.07 (Powers of Council); 2.08 (Division of City into Wards), 2.09 (Meetings of Council), 2.10 (Executive Session), 2.12 (President of Council), 2.13 (Clerk of Council), 2.14 (Mayor, Vice Mayor and Acting Mayor), 3.01 (Action by Council), 3.03 (Consideration of Ordinances), 3.06 (Publication of Ordinances), 3.10 (Resolutions), 5.03 (Director of Finance), 6.03 (Hearing on Tax Budget), 6.05 (Municipal Operating Budget), 6.06 (Annual Appropriation Ordinance), 6.09 (Capital Improvement Budget), 7.01 (Power to Borrow), 9.01 (Planning and Zoning Commission), 9.02 (Powers and Duties of the Planning and Zoning Commission), 12.09 (Referendum and Effective Date on Zoning Ordinances), 12.10 (Prohibition of Creation of Tax Increment Financing Incentive Districts for Dwelling Unit Improvements and Prohibition of Dwelling Unit Improvements to be a Public Purpose without Approval of Hilliard City Schools Board of Education and Applicable Township Trustees which Provide Fire and EMS Services); and enacting new Sections 4.03 (City Manager Vacancy), and 12.11 (Non-Discrimination); as set forth in Ordinance 18-26 (Amended) of the City of Hilliard, Ohio, be adopted?

☐

Yes

☐

No

What is Issue 25?

Proposed change: Issue 25 is a set of modified language throughout the Charter that represent changes to City policies and practices, as well as language “clean-up” performed for clarification and grammatical correctness.

Issue 25 does NOT include the language changes proposed in Issue 26 to ARTICLE X SECTION 10.02: NOMINATIONS.

An explanation of the substantive modifications included in Issue 25 start on the following page, but voters are encouraged to review all language changes throughout this document in order to make an informed decision on November 5, 2019.

What a vote on Issue 25 means

A “YES” vote for Issue 25 indicates support of all proposed changes indicated in this guide EXCEPT those proposed in Issue 26.

A “NO” vote for Issue 25 indicates opposition of all proposed changes indicated in this guide EXCEPT those proposed in Issue 26.

Issue 26 Ballot Language

Shall the proposed revision to the Charter of the City of Hilliard, amending Section 10.02 (Nominations) to provide that no primary elections shall be held for elected offices of the City and that names on the ballot shall appear without party affiliation, as set forth in Ordinance 19-13 (Amended) of the City of Hilliard, Ohio, be adopted

☐

Yes

☐

No

What is Issue 26?

Issue 26 specifically deals with the following section of the Charter: ARTICLE X, SECTION 10.02: NOMINATIONS.

Under the current Charter, each party selects its candidates during a spring primary, with the top vote recipients from each party placed on the ballot for the general election the following November. The maximum number selected from each party is either three or four candidates, depending on the number of open seats in the following general election.

Proposed change: Issue 26 would eliminate partisan primaries for City Council. All candidates who meet all eligibility requirements to run for City Council will appear on the ballot in the November general election, without party affiliation. All candidates must file petitions consistent with state law with the Board of Elections to be a candidate in the regular municipal election.

What a vote on Issue 26 means

A “YES” vote for Issue 26 indicates support of the change to eliminate partisan primaries for City Council.

A “NO” vote for Issue 26 indicates opposition to the idea of eliminating partisan primaries for City Council.

Frequently Asked Questions

When is the election?

The general election is November 5, 2019. Military and overseas absentee voting begins September 20, 2019. Absentee and early in-person voting begin October 8, 2019.

Who is eligible to vote on Issue 25 and Issue 26?

All registered voters living within City of Hilliard corporation boundaries may vote on these amendments. The deadline to register to vote is October 7, 2019. For information and to register to vote, contact Franklin County Board of Elections on its website: <https://vote.franklincountyohio.gov/>

Voters were asked to approve a Charter amendment in 2018.

Why are we being asked to approve additional amendments now?

The 2018 Charter amendment asked voters to determine whether they wanted to modify the City's of Hilliard's form of government from Mayor-Council to Council-City Manager. Council was still in the process of evaluating numerous recommendations from the Charter Review Commission in 2018, but determined that it made sense to ask voters about the proposed change in our form of government as a separate issue. In part, the timing of that decision had to do with the end of mayor's term of office at the end of 2019.

Is it unusual to have non-partisan primaries for City Council seats? Many communities have eliminated party primary elections from municipal elections.

Do I have to vote the same way on Issue 25 and Issue 26?

No, each issue is independent.

When would these changes take effect if approved by voters?

January 1, 2020.

Where can residents find additional information?

The City of Hilliard will provide information about Issue 25 and Issue 26 on its website at www.hilliardohio.gov/2019election/

A Charter for the City of Hilliard, Ohio

Adopted by Council on June 10, 2019,
by Ordinance 18-26 (Amended)
and on July 8, 2019,
by Ordinance 19-13 (Amended)

A Charter

for the

City of Hilliard, Ohio

PREAMBLE

We, the people of Hilliard, desirous of securing for our City, and for ourselves and our children, the advantages of self-government conferred by the home rule provisions of the Ohio Constitution, do hereby ordain and establish the following Charter:

ARTICLE I

Incorporation; Powers; Form of Government

1.01 INCORPORATION.

The inhabitants of the City of Hilliard, in Franklin County, Ohio, within the corporate limits as now established or as hereafter established in the manner provided by law, shall be and continue to be a municipal corporation in perpetuity, under the name of “The City of Hilliard.”

1.02 POWERS.

The City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, under the Constitution of the United States and the Constitution of the State of Ohio. The City shall have all powers which now or hereafter may be granted to municipalities by the laws of the State of Ohio. The enumeration of specific powers in this Charter shall not be deemed exclusive, as it is intended that in addition to the powers enumerated herein implied thereby, are appropriate to the exercise of such powers, the City shall have and may exercise all powers which it would be competent for this Charter specifically to enumerate.

1.03 MANNER OF EXERCISE OF POWERS.

All powers of the City shall be vested in the officers provided for in this Charter. Such powers shall be exercised in the manner prescribed by this Charter, or if the manner be not so prescribed, then in the manner prescribed by ordinance. If no procedure is established either by the Charter or by ordinance, then that provided by general state law shall be followed until the Council shall provide a different procedure by ordinance.

1.04 FORM OF GOVERNMENT.

The form of government provided by this Charter shall be known as “The Council-Manager Plan.” City Council shall constitute the governing body of the Municipality and shall appoint a City Manager who shall be the chief administrative officer of the Municipality.

ARTICLE II

The Council

2.01 NUMBER; SELECTION; TERM.

Except as reserved to the people by this Charter, the legislative powers of the City shall be vested in a Council of seven members, elected for four-year overlapping terms. All members of Council shall be elected at large, and all terms shall begin on January 1 next following the November municipal election. Three members shall be elected at one municipal election, and four members shall be elected at the next municipal election.

2.02 QUALIFICATIONS.

Any person who is a registered elector in the City, who has been domiciled for ~~one~~ **TWO** years in the City or in territory annexed thereto by the date of filing of a petition of candidacy, shall be eligible to have his or her name placed on the ballot, if his or her petition is sufficient as hereinafter provided, and to serve as a member of Council, if elected.

2.03 INCOMPATIBLE OFFICES.

No holder of an incompatible office under the national, state, or county government shall be eligible to enter upon or hold office as a Council member.

2.04 VACANCIES.

Any Council member who ceases to be a registered elector in the City, or who accepts and enters upon the performance of the duties of an incompatible office, shall automatically vacate the office as a Council member. The Council shall have power to declare vacant by resolution the seat of any Council member who shall be absent, without excuse acceptable to the Council, from as many as one third of the regular meetings of the Council in any consecutive period of

six months. The Council shall have power to accept the resignation of any of its members or of any other elected officer of the City.

2.05 VACANCIES, HOW FILLED.

Any vacancy in the office of Council ~~member~~ shall be filled within forty-five (45) days by the selection of ***AN INDIVIDUAL MEETING THE QUALIFICATIONS PROVIDED IN SECTIONS 2.02 AND 2.03 OF THIS CHARTER*** ~~some suitable qualified person~~, by a vote of the majority of the remaining members of the Council. In the event the members of the Council fail to fill any vacancy on Council within forty-five (45) days, the President of Council shall fill any such vacancy by the appointment of ***AN INDIVIDUAL MEETING THE QUALIFICATIONS PROVIDED IN SECTIONS 2.02 AND 2.03 OF THIS CHARTER*** ~~a qualified elector of the City~~ within ten (10) days. ***IN THE EVENT THAT THE OFFICE OF THE PRESIDENT IS VACATED, AT THE TIME THE VACANCY OCCURS, COUNCIL SHALL FOLLOW ITS COUNCIL RULES TO DETERMINE THOSE INDIVIDUALS QUALIFIED TO BE MEMBERS. IF NO DECISION IS RENDERED WITHIN THREE (3) DAYS THE NAMES OF THE TOP TWO (2) CANDIDATES, AS DETERMINED BY COUNCIL RULES, SHALL BE PUT INTO A HAT AND A DECISION SHALL BE MADE.*** In all cases, the person so selected shall serve ~~until the first municipal election occurring not less than one hundred (100) days thereafter, when a successor shall be chosen by the voters~~ for the remainder of the unexpired term, ~~if any; if not, for a full term.~~

2.06 SALARY OF COUNCIL MEMBERS.

The salary of Council members shall be set by ordinance. No increase in salary shall become effective as to any member in office when such ordinance is adopted nor as to newly elected Council members unless the ordinance is adopted prior to the election of the new Council members. Council members in office when such ordinance is adopted may be paid the increased salary only if and when they are elected to succeed themselves. No increase in salary may be passed as emergency legislation.

2.07 POWERS OF THE COUNCIL.

All powers of the City permitted by this revised Charter, the Constitution, and the laws of the State of Ohio, shall be vested in Council. Council shall provide for the exercise of all City powers and for the performance of all duties and obligations imposed on the City by law, through the adoption of legislation. Without limitation of the foregoing, Council shall have the power to:

- (1) Establish or authorize the number of positions in the various departments, divisions, offices, bureaus, boards, commissions and committees of the City and to adopt a wage, salary and benefit structure for all positions;

- (2) Create, combine, change and abolish departments, divisions, offices, bureaus, boards, commissions and committees not specifically created by this Charter;
- (3) Provide for an independent audit of the accounts and records of the City, which may be in addition to audits by State offices and agencies as may be required under the laws of the State of Ohio;
- (4) Conduct inquiries and investigations regarding the affairs of the City, including officers and employees, and the conduct of any City department, office or agency and for this purpose subpoena witnesses, administer oaths, take testimony, and require the production of ***ALL MATERIALS RELEVANT TO THE SUBJECT MATTER INVOLVED.*** ~~evidence.~~
- (5) Except for the purpose of inquiries and investigations under subsection (4) above, Council or its individual members shall deal with City employees who are subject to the direction and supervision of the City Manager, including Directors, solely through the City Manager. Neither Council nor any of its members shall in any manner direct or demand the hiring or termination of any City employee whom the City Manager is empowered to hire; however, Council may express its views and freely discuss with the City Manager matters pertaining to the hiring and termination of such employees;
- (6) Adopt and modify the master plan(s) of the City and official map(s) of the City;
- (7) Regulate the use of private real estate in the City by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;
- (8) Enact a subdivision platting ordinance, which ordinance may provide for platting fees;
- (9) Enact a comprehensive building code;
- (10) Adopt an appropriation ordinance and delegate its execution to the City Manager;
- (11) Authorize the levy of taxes and assessments, the issuance of notes and bonds, ***AND THE ABILITY TO INCUR DEBT***, as provided in this Charter;
- (12) Grant public utility franchises by ordinance, by a vote of not less than two-thirds (2/3) of the Council; no such ordinance shall be passed as an emergency ordinance;
- (13) Approve, modify, or disapprove, the recommendations of the Planning and Zoning Commission;

- (14) Create a police auxiliary, or reserve police force, if such is deemed necessary; and
- (15) Appoint persons other than Clerk of Council that it deems necessary for the proper discharge of its duties.

2.08 DIVISION OF CITY INTO WARDS.

The division of the City into four wards, as exists at the time this Charter is adopted, shall continue to be the division of the City by wards, except as hereinafter provided. Within sixty (60) days after the results of each Federal Decennial Census are proclaimed by the Secretary of State, the Council shall redivide the wards of the City which shall be as nearly equal in population as possible, each composed of contiguous and compact territory bounded by natural boundaries or street lines. If the results of the federal decennial census reflect an increase in the overall population of the City by at least twenty percent (20%) from the previous decennial census, then Council shall redivide the City into five wards, ***EACH TIME THE POPULATION OF THE CITY INCREASES BY AT LEAST TWENTY PERCENT (20%), REGARDLESS OF WHEN THE INCREASE OCCURS IN RELATION TO THE DECENNIAL CENSUS, THE CITY*** and shall continue to redivide the City by the addition of one ward for every increase in population by ***AT LEAST*** twenty percent (20%) ~~thereafter~~. Upon the failure of ***THE*** Council to redivide the City within the timeframe outlined above, the Director of Law shall notify City Council in writing that unless City Council redivides the City within sixty (60) days from the date of notification, the Director of Law will so redivide the City as herein provided. Any redivision of the City conducted by the Director of Law in accordance with this section shall be filed with the Clerk of Council. Such plan shall thereupon become the new division by wards of the City.

2.09 MEETINGS OF COUNCIL.

The Council shall hold its organization~~AL~~ meeting ***EACH YEAR PRIOR TO before the first ITS REGULARLY SCHEDULED MEETING IN JANUARY on or after January first (1ST) but on or before January fourth (4TH), following each municipal election.*** At this meeting the newly elected members shall take the oath of office and the Council shall proceed to elect a President and a Vice President from among its own members, ~~and appoint a Clerk of Council~~, and may transact such further business as may come before it. Thereafter, regular meetings shall be held as prescribed in the Council rules, but not less frequently than once each month. All meetings of City Council shall be open to the public, except as provided in Section 2.10 of this Charter. A majority of members shall constitute a quorum.

2.10 EXECUTIVE SESSION.

(1) Council may hold an executive session only after five (5) members of Council who are present determine, by a roll call vote, to hold an executive

session and only at a regular or special meeting of City Council for the sole purpose of the consideration of the specific matters enumerated in this section. The Director of Law, or the Director of Law's designee acting as legal representative to Council, shall be present at each Council executive session unless the Director of Law is the subject of any such executive session, whereupon Council will have a legal representative present. If Council holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in this section are the purpose(s) for which the executive session is to be held. Council may hold an executive session, upon a valid motion and vote, for the following purposes only:

- (a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of a public employee or official unless the public employee or official requests a public hearing. Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If an executive session relates to this subsection, the motion and vote shall state the specific approved purpose listed herein, but need not include the name of any person to be considered at the meeting;
- (b) To consider the purchase of real or personal property, or services ***RELATED TO THE PURCHASE OF REAL OR PERSONAL PROPERTY***, for public purposes, or for the sale of property ~~at~~ ***BY*** competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No members of Council shall use this subsection as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of Council that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of Council show that all meetings and deliberations of the public body have been conducted in compliance with this subsection, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this subsection insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned;

- (c) Conferences with an attorney for Council concerning disputes involving Council that are the subject of pending or imminent court action;
- (d) Preparing for, conducting, or reviewing negotiations of bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (e) Matters required to be kept confidential by federal law or regulations or state statutes;
- (f) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

(G) *TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE, OR TO DISCUSS NEGOTIATIONS WITH OTHER POLITICAL SUBDIVISIONS RESPECTING REQUESTS FOR ECONOMIC DEVELOPMENT ASSISTANCE, PROVIDED THAT BOTH OF THE FOLLOWING CONDITIONS APPLY:*

I. THE INFORMATION IS DIRECTLY RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE THAT IS TO BE PROVIDED OR ADMINISTERED UNDER ANY PROVISION OF CHAPTER 715, 725, 1724, OR 1728 OR SECTIONS 701.07, 3735.67 TO 3735.70, 5709.40 TO 5709.43, 5709.61 TO 5709.69, 5709.73 TO 5709.75, OR UNDER 5709.77 TO 5709.81 OF THE OHIO REVISED CODE, OR THAT INVOLVES PUBLIC INFRASTRUCTURE IMPROVEMENTS OR THE EXTENSION OF UTILITY SERVICES THAT ARE DIRECTLY RELATED TO AN ECONOMIC DEVELOPMENT PROJECT.

II. COUNCIL DETERMINES, IN ITS MOTION TO CONVENE IN EXECUTIVE SESSION, BY A ROLL CALL VOTE, THAT THE EXECUTIVE SESSION IS NECESSARY TO PROTECT THE INTERESTS OF THE APPLICANT OR THE POSSIBLE INVESTMENT OR EXPENDITURE OF PUBLIC FUNDS TO BE MADE IN CONNECTION WITH THE ECONOMIC DEVELOPMENT PROJECT.

(2) Council shall not adopt a resolution, rule or take formal action of any kind in or during an executive session. A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in subsection A of this section and conducted at an executive session held in compliance with this section.

(3) Any person may bring an action to enforce this section in accordance with the laws of the State of Ohio.

2.11 RULES; JOURNAL.

The Council shall adopt its own rules, in conformity with the provisions of this Charter. It shall cause to be kept a journal of its proceedings, which shall be a public record.

2.12 PRESIDENT OF COUNCIL.

The President of Council shall serve as the presiding officer at all meetings of the Council, maintain order and decorum, and see that this Charter is observed in all Council proceedings. ~~The President of Council shall hold office until the next organizational meeting and may be re-elected.~~ **THE CURRENT PRESIDENT AND VICE PRESIDENT OF COUNCIL, SHOULD THEY STILL BE MEMBERS OF COUNCIL FOLLOWING A MUNICIPAL ELECTION, SHALL CONTINUE TO HOLD THEIR LEADERSHIP POSITIONS UNTIL A MAJORITY OF COUNCIL MEMBERS ELECT (OR RE-ELECT) A PRESIDENT AND VICE PRESIDENT AT THE ORGANIZATIONAL MEETING. THE ORGANIZATIONAL MEETING SHALL HOLDOVER TO SUBSEQUENT MEETING OF COUNCIL, WHETHER REGULAR OR SPECIAL, UNTIL COUNCIL ELECTS A PRESIDENT AND VICE PRESIDENT. IF THE POSITION OF PRESIDENT IS VACANT, THE VICE PRESIDENT SHALL ASSUME THAT POSITION UNTIL A NEW PRESIDENT IS ELECTED. IF BOTH OFFICES ARE VACANT, THE MEMBERS SHALL ELECT A TEMPORARY PRESIDING OFFICER TO CHAIR THE ORGANIZATIONAL MEETING.** The President of Council shall have all the powers, duties, functions, obligations and rights of any other Council member including the right to vote. In the President's absence, the Vice President of Council shall serve as Acting President. In the absence of the President and the Vice President, the Council members present shall elect a temporary presiding officer from among their own number to serve during the meeting.

2.13 CLERK OF COUNCIL.

There shall be a Clerk of Council, appointed by the Council from outside its membership, to serve at the pleasure of Council. **THE CLERK OF COUNCIL**

SHALL BE APPOINTED FOR A TWO-YEAR TERM AT THE FIRST ORGANIZATIONAL MEETING FOLLOWING EACH MUNICIPAL ELECTION.

The Clerk of Council shall give notice of Council meetings, keep the journal, advertise public hearings, record in a separate book and cause to be published ordinances adopted by the Council, and perform such other duties as may be required by this Charter, or by ordinance, or by the rules of the Council. The Clerk of Council may be appointed to serve full time or part-time and the Council may assign the duties of Clerk of Council to any employee of the City as an additional duty. The Clerk of Council shall receive a salary, as established by the Council. The Council may appoint such other persons as it deems necessary for the proper discharge of its duties.

2.14 MAYOR, VICE MAYOR AND ACTING MAYOR.

At its organizational meeting as provided for in Section 2.09 of this Charter, the member that is elected as President of Council shall serve as the City's Mayor and the member elected as Vice President of Council shall serve as the City's Vice-Mayor. The Mayor and Vice Mayor shall serve ~~two-year~~ terms consistent with their positions as President and Vice President of Council. Compensation for serving as Mayor and Vice-Mayor, if any, shall be established by City Council.

In addition to serving as President of Council, the Mayor shall act as the ceremonial head of the government, shall be recognized as the official head of the Municipality for the purpose of serving civil process, and shall have all the judicial powers granted to a mayor of a municipal corporation by the laws of the State of Ohio. The Mayor shall have the power to vote but shall have no power of veto.

The Mayor shall appoint a Magistrate, with the approval of Council, to hear and determine prosecutions of criminal cases subject to the laws of the State of Ohio. If the Mayor is a licensed attorney, he/she may hear and determine prosecutions in Mayor's Court subject to the approval of City Council. The Mayor shall also exercise military powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio or the laws of the United States. The Mayor is authorized to declare a public disaster and implement procedures as Council shall authorize by ordinance and/or resolution.

In addition to serving as Vice President of Council, the Vice-Mayor shall act as Mayor in the event the Mayor is absent from the Municipality or is unable for any cause to perform the Mayoral duties and said Vice-Mayor while acting as Mayor shall have and exercise the same powers and duties, including judicial, as herein granted to the Mayor.

ARTICLE III

Ordinances and Resolutions

3.01 ACTION BY COUNCIL.

Every action of the Council establishing any offense, providing for the imposition of any penalty or for the levy of any tax **OR, ASSESSMENT,** or, except as provided in Section 3.10 of this Charter, for the expenditure of any public funds, **OR ANY LEGISLATION WHICH THE CITY'S CODIFIED ORDINANCES REQUIRE THAT IT BE PROVIDED BY ORDINANCE,** or the contracting of any indebtedness, as well as all actions required by this Charter to be taken by ordinance, shall be taken by ordinance in the manner hereinafter provided. Other actions may be taken by resolution.

3.02 INTRODUCTION OF ORDINANCES.

Each proposed ordinance shall be submitted to the Department of Law for approval as to form, introduced in writing by a member of the Council and shall contain a title, an opening clause: "Be it ordained by the Council of the City of Hilliard, Ohio," and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject, which shall be clearly set forth in its title; however, general appropriation ordinances may contain the various subjects and accounts for which monies are to be appropriated.

3.03 CONSIDERATION OF ORDINANCES.

After its introduction, a proposed ordinance shall be seconded by a member of Council, other than the member who introduced it, and then shall be given a first reading by title only by the Clerk of Council. It shall then lie over for at least seven (7) days, or until the next regular meeting of the Council. At least five (5) days before the second reading of the ordinance, the Clerk of the Council shall **CAUSE NOTICE TO BE PROVIDED TO THE GENERAL PUBLIC BY ONE OF THE FOLLOWING METHODS: 1) A COPY OF THE LEGISLATION, INCLUDING ALL EXHIBITS AND ATTACHMENTS, SHALL BE PUBLISHED ON THE CITY'S WEBSITE, OR 2) BY PUBLICATION IN ANY MANNER THAT PUBLICATION OF OFFICIAL GOVERNMENT ACTION IS PERMITTED UNDER STATE LAW. REGARDLESS OF WHICH METHOD IS SELECTED, COPIES OF THE ORDINANCE, INCLUDING ALL EXHIBITS AND ATTACHMENTS, SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC AT CITY HALL DURING NORMAL BUSINESS HOURS.** ~~to be published in a newspaper of general circulation in the City, in the form of a legal advertisement~~ **THE CLERK OF COUNCIL SHALL PREPARE THE PUBLIC NOTICES REQUIRED HEREIN.** ~~; a summary, prepared by the Director of Law, of the content of the proposed ordinance~~ **ALL METHODS OF PUBLIC NOTICE SHALL INCLUDE** ~~and of~~ the time and place of the Council meeting at which

it shall be considered, ***AND SHALL*** ~~The publication shall~~ invite interested persons to attend and express their opinions thereon to the Council. At the time and place so advertised the Council shall convene. The ordinance shall be given a second reading, which may be by title only, and all persons present who desire to be heard for or against its passage shall be heard, under such rules as the Council may provide. Written arguments and briefs, for or against, may also be filed at or prior to the hearing for consideration and discussion by Council. ~~At the next regular meeting, or not less than seven (7) days following the second reading, the proposed ordinance shall be given a third reading, which may be by title only.~~ After the ~~third~~ ***SECOND*** reading the Council shall vote on passage or rejection of the proposed ordinance ***OR MOVE FOR THE ORDINANCE TO BE TABLED, CONTINUED, OR REFERRED BACK TO A STANDING COMMITTEE UPON AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE MEMBERS OF COUNCIL PRESENT.***

3.04 PASSAGE OF ORDINANCES.

After the hearing, or if the waiting period and hearing are waived by a declaration of emergency, the Council may vote by roll call on whether the ordinance shall be passed or rejected. A favorable vote of four members of Council shall be necessary to pass an ordinance, except as provided otherwise in this Charter. Final passage shall be certified by the signatures of the President of Council and the Clerk of Council. The failure or refusal by the President of Council and/or the Clerk of Council to sign shall not invalidate otherwise properly enacted ordinances.

3.05 EMERGENCY ORDINANCES.

Any ordinance which must be passed at once in order to meet a real and present emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, or general welfare as determined by Council in their sole discretion, may be passed without delay as prescribed in Section 3.03 and without public notice and hearing, provided the Council shall, in a separate section thereof, adopt by an affirmative vote of not less than five (5) members of Council, with not more than one (1) dissent, declare that such emergency exists, giving the reasons therefore. Such an ordinance shall take effect immediately upon its passage.

3.06 PUBLICATION OF ORDINANCES.

After final passage, public notice of each new ordinance shall be given in one of the following ways:

- (1) By publication, in summary, one time, in a newspaper of general circulation in the City, within two (2) weeks after passage;
- (2) By publication, at length in the official Legislative Bulletin of the City of Hilliard;

- (3) In the case of annual appropriation ordinances, by reproduction and distribution as provided in Section 6.07 of this Charter; or
- (4) By publication in any manner that publication of official government action is permitted under ~~state law~~ **SECTION 3.03 OF THIS CHARTER.**

3.07 EFFECTIVE DATE OF ORDINANCES.

Ordinances making appropriations for current operating expenses of the City government, directing an election or question to the electorate, authorizing annual tax levies, or providing for improvements petitioned for by owners of the requisite majority of the front footage or of the areas of the property benefited and to be assessed, shall take effect upon passage and shall not be subject to referendum. All other ordinances, except emergency ordinances, shall take effect thirty (30) days after the passage by Council in order to afford an opportunity for filing referendum petitions as may be authorized by the Revised Code of Ohio as now exists or as hereafter amended.

3.08 INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances may be submitted to popular vote through the initiative and referendum under the procedure set forth in Sections 731.28 to 731.40 of the Revised Code of Ohio, as now exist or as hereafter amended.

3.09 ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating and air conditioning, and other similar topics by reference to the date and source of the code without reproducing the same at length in the ordinance. However, if the Council desires to modify, add to, or eliminate from any such code any section or part thereof, such addition, modification, or omission shall be clearly stated in the ordinance. In all cases in which such an ordinance or code shall be adopted by reference, publication of the code at length, by the City, shall not be required. However, such codes shall be kept on file in the office of the Clerk of Council for consultation by interested persons.

3.10 RESOLUTIONS.

Action by Council which is not required by this Charter to be by ordinance may be taken by resolution. All resolutions shall be introduced in writing, by a member of Council, and, except as provided herein may be adopted by voice vote of a majority of a quorum. Where action by Council relates solely to the expenditure of any public funds or the contracting of any indebtedness or expenditures that have been previously appropriated within the same fiscal year, approval of those contracts may be by resolution, which shall be

adopted only after a favorable vote of at least four (4) members of Council, ~~following an opportunity for public input and comment. Notice of Council's consideration of the type of resolution described in the preceding sentence shall be made at the same time and in the same manner as notice of Council's public hearings for ordinances.~~ Upon adoption of all resolutions, no waiting period, notice, or publication shall be required, and resolutions shall become effective immediately. However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record.

3.11 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter, and after consultation with the City Manager, the Council shall adopt an administrative code which shall provide in detail the organization of the municipal government, define the powers and duties of each organization unit, and determine the administrative procedures to be followed. The Council shall have authority to delegate to the City Manager and the City Manager shall have authority to delegate to the heads of the departments, power to make rules and regulations to govern management practices, consistent with the administrative code. Amendments to, and revisions of, the administrative code shall be made only after consultation with the City Manager.

ARTICLE IV

City Manager

4.01 APPOINTMENT, REMOVAL AND QUALIFICATIONS.

The City Manager shall be appointed by the Council, the affirmative vote of two-thirds of the members of Council being necessary for appointment. The tenure of appointment shall be indefinite but shall continue at the pleasure of Council, the affirmative vote of two-thirds of the Council being necessary for removal.

The City Manager shall be chosen solely on the basis of professional qualifications and knowledge of the duties, standards and accepted practices of the office.

The City Manager shall be the chief administrative officer of the Municipality and shall be responsible to the Council for the proper administration of the affairs of the Municipality within the scope of the office powers, duties and responsibilities. The City Manager shall manage all departments and divisions of the Municipal government and shall have the power and be required to:

- (a) Appoint all officers and employees of the Municipality except those whose appointment is otherwise expressly provided for in

this Charter, but subject to approval of Council when required by this Charter;

- (b) Remove, suspend or otherwise discipline any officer or employee of the Municipality not appointed by Council, subject to compliance with the ordinances passed pursuant to Article VI (Merit System) of this Charter;
- (c) Institute proceedings for the removal, suspension or other discipline of officers and employees where ordinances passed pursuant to Article VIII (Merit System) of this Charter are applicable;
- (d) Attend all Council meetings with the right to participate in discussions and bring matters to the attention of Council, but without the right to vote;
- (e) Recommend legislation for passage by Council or recommend the amendment or repeal of legislation already in effect;
- (f) Work with the President of Council to formulate the agendas of all Council meetings and Council committee meetings;
- (g) Prepare and submit to Council such reports as are requested by a majority of its membership, and such other reports concerning the City as deemed advisable;
- (h) Each year prepare and submit to the Council the proposed annual budget for the next succeeding fiscal year and a five-year forecast of the revenues and expenditures of the Municipality; submit at the end of each fiscal year a report on the finances of the Municipality for that year; and advise Council of the financial condition of the City and its future needs;
- (i) Execute on behalf of the Municipality all contracts, agreements, conveyances, deeds, easements, leases, evidences of indebtedness and other instruments to which the Municipality is a party;
- (j) Determine that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise, contract or agreement to which the Municipality is a party are faithfully kept and performed;
- (k) Act as purchasing agent for the Municipality; and
- (l) Perform such duties as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

4.02 VACANCY, HOW FILLED.

From November 7, 2018 through January 1, 2020, in the event of a vacancy in the office of Mayor, due to the resignation, death, or permanent disability of the Mayor, the President of Council shall serve as Mayor. If the President of Council is not available, or declines the position, Council shall then appoint a Council member who has been elected by the people to serve as Mayor. The person assuming the duties of Mayor shall serve for the remainder of the former Mayor's unexpired term. If no Council member accepts the appointment as Mayor, then Council shall appoint a qualified department director to serve as acting Mayor ~~and~~ who shall serve in that capacity for the remainder of the former Mayor's unexpired term. The effectiveness of this Section 4.02 shall expire on January 1, 2020 whereupon it shall have no force and effect as to this Charter.

4.03 CITY MANAGER VACANCY.

COUNCIL MAY APPOINT BY RESOLUTION AN ACTING CITY MANAGER DURING THE CITY MANAGER'S TEMPORARY ABSENCE, DISABILITY, OR WHEN THE POSITION IS VACANT UNTIL COUNCIL APPOINTS A PERMANENT CITY MANAGER IN ACCORDANCE WITH SECTION 4.01 OF THE CHARTER. UNTIL COUNCIL TAKES ACTION UNDER THIS SECTION, THE MAYOR SHALL BE THE ACTING CITY MANAGER DURING ANY ABSENCE, DISABILITY, OR VACANCY OF THE CITY MANAGER POSITION.

ARTICLE V

Departments and Divisions

5.01 ADMINISTRATIVE DEPARTMENTS.

The City shall have a Department of Finance, a Department of Public Service, and a Department of Law. The Directors thereof shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. Council shall by the passage of legislation provide for the organization thereof. The Council may create additional departments or divisions of departments, abolish existing departments or divisions of departments and combine departments and divisions as it may deem necessary; provided that the Departments of Finance and Law may not be abolished or combined with any other department. Council may authorize the City Manager to be the head of any one or more departments, except the Departments of Law and Finance, and may authorize one person to be the head of two or more such departments. All other Directors shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

5.02 DIRECTOR OF PUBLIC SERVICE.

Except as may be provided otherwise in this Charter, or as may be prescribed by the City Manager, the Director of Public Service shall have charge of all public works and improvements and the construction thereof, of all engineering and inspection in connection therewith, and of all building inspection. Such duties shall also include the construction, repair, and maintenance of streets, sidewalks, alleys, lanes, and bridges; of water mains, pipes, purification and sanitation plants, and the water distribution system; of sewers, sewage systems, drains, ditches, culverts; and other public places belonging to the City or dedicated to public use. The Director of Public Service shall manage and control sanitary facilities, sewage treatment plants, water works, and all public utilities of the City supported in whole or in part by taxation and shall enforce all the obligations of privately owned or operated public utilities enforceable by the City. It shall be a charge of the Director of Public Service to make and service all surveys, maps, plans, drawings, and estimates for public works; the cleaning, resurfacing, repairing, sprinkling, and lighting of all streets and public places; the collection and disposal of waste, if such is provided for; and the preservation of all property belonging to the City and pertaining to the functions thereof. The Director of Public Service shall work in cooperation with other directors when there are complementary responsibilities of the respective directors' work relating to City lands and facilities. The Director of Public Service shall perform other such duties consistent with the office as may be required by this Charter, by ordinance of the Council, or as directed by the City Manager.

5.03 DIRECTOR OF FINANCE.

The Director of Finance shall be the fiscal officer of the City and shall serve the City Manager ~~Mayor~~ and Council as financial advisor in connection with municipal affairs. The Director of Finance shall be a person skilled in government finance and budgeting. The duties of the Director of Finance shall be to examine all payrolls, bills, and other claims against the City, but shall issue no warrant unless the Director of Finance finds that the claim is in proper form, correctly computed, and duly approved, and that it is due and payable, and that appropriation has been made therefor. The Director of Finance shall keep the financial records of the Municipality, exhibiting accurate statements of all moneys received and expended, of all property owned by the Municipality, and of all taxes and assessments; shall advise the City Manager and the Council concerning the financial condition of the Municipality; shall collect all money due and payable to the Municipality; shall be the custodian of all public money of the Municipality and shall disburse the same as may be required by law or ordinance; shall examine and audit the accounts of all other officers, employees, departments, boards and commissions, and shall assist the City Manager in the preparation and submission of appropriation measures, estimates, budgets and other financial matters; and shall perform all other duties now or hereafter imposed upon City auditors and treasurers by the laws of the State of Ohio, unless otherwise provided by this Charter or by ordinance of the Council; and

shall perform such other duties as the City Manager may direct, consistent with the office.

5.04 DIRECTOR OF LAW.

The Director of Law shall be the prosecuting attorney and legal counsel for the City, and subject to the direction of Council, shall represent the City in all proceedings in court or before any administrative board or body. The Law Director shall serve the Council, the City Manager, the administrative officers, departments and boards and commissions as legal counsel; and shall perform all duties as now or hereafter are imposed by ordinance or resolution of Council. No person shall act as Director of Law unless duly admitted to the practice of law in the State of Ohio. The Law Director shall sign all legislation and contracts “approved as to form” by his/her signature thereon. Council may from time to time provide for such assistants to the Director of Law as it shall deem necessary and neither the Director of Law, nor any assistant(s) shall be required to reside in the Municipality. Any conflicts of interest that arise in the Law Director’s duties shall be brought to the attention of the City Manager and resolved through the appointment of one or more assistants or special counsel as required to avoid ethical conflicts of interest. Nothing in this Section shall be interpreted to prohibit the Law Director from entering into contracts for outside legal counsel as he/she deems necessary to fulfill the functions of the Department, provided sufficient funds are appropriated by City Council. The Director of Law shall not be required to represent any school district or any other unit of government, other than the City.

5.05 DEPARTMENT DIVISIONS.

The work of each department shall be distributed among such divisions thereof as may be provided for in the administrative code. Pending the adoption of such a code by the Council, the City Manager may provide for temporary divisions by administrative order.

ARTICLE VI

Finance

6.01 FISCAL YEAR.

The fiscal, budget, and accounting year of the City government shall be the calendar year.

6.02 ANNUAL TAX BUDGET.

The City Manager shall submit to the Council a tax budget for the ensuing fiscal year, for filing with the County Budget Commission in accordance with the procedures established by the County Budget Commission, unless such procedures are otherwise waived. For that purpose, at such date as the City

Manager shall determine, the head of each department or agency of the City, shall submit plans to the City Manager for the work to be undertaken by such agency during the next fiscal year, together with estimates of the costs of performing such work. The Department of Finance shall supply to the City Manager estimates of anticipated revenue. From these data the City Manager may revise the estimates and prepare recommendations for the tax budget for the ensuing fiscal year.

6.03 HEARING ON TAX BUDGET.

At least two (2) copies of the tax budget estimates as recommended by the City Manager shall be placed on file in the office of the Director of Finance for public inspection. Notice that they are available for that purpose shall be given by publication once in a newspaper of general circulation in the City. ~~Such~~ **THE** notice shall also specify the date of the first hearing. The Council shall hold a public hearing on the tax budget at the time and place specified in the notice and may continue such hearing as necessary. When the hearing is concluded, the Council shall consider the tax budget, adopt it, with or without amendments, which adoption may be by resolution, and transmit it to the County Budget Commission on or before the date set by them in the form required by law.

6.04 TAX LEVIES.

Upon receipt of the advice of action by the County Budget Commission and the certificate of the County Auditor as to estimated resources, the Council shall, take action as is necessary to enable the County Auditor to place the necessary taxes on the tax duplicate.

6.05 MUNICIPAL OPERATING BUDGET.

The City Manager shall prepare and submit to the Council, on or before ~~November~~ **OCTOBER** 15th of each year, a **PRELIMINARY** budget for the following year recommending appropriations from each fund during the ensuing fiscal year.

6.06 ANNUAL APPROPRIATION ORDINANCE.

At the meeting of the Council at which the municipal budget is submitted, the Council shall, by resolution, fix the date and place for a public hearing thereon. A notice of this hearing shall be given by **ONE OF THE METHODS PERMITTED IN SECTION 3.03 OF THIS CHARTER**, ~~publication once in a newspaper of general circulation in the City~~ at least five (5) days before the date fixed. The notice shall also state that the budget is on file for public inspection in the office of the Clerk of Council during the usual office hours. At the time and place advertised, the Council shall hold a public hearing on the budget as submitted and may continue such hearing from day to day as may be necessary. After the hearing the Council shall adopt the budget as submitted, or as amended, as the appropriation ordinance of the City for the ensuing fiscal year. The budget shall not exceed the total estimated resources certified by the

County Budget Commission. Such ordinance shall be finally adopted not later than ~~January 31~~ **DECEMBER 31ST**.

6.07 EFFECT OF APPROPRIATION ORDINANCE.

Upon passage, the appropriation ordinance shall become effective as of the first day of January and shall constitute an appropriation of the several items therein contained, and approval of the work projects supported thereby without further legislation. The appropriation ordinance shall be reproduced and a copy thereof, certified by the President of Council and Clerk of Council, and shall be filed with the Director of Finance, and certified copies shall be transmitted to each organization unit of the City government, and filed with such county, state, and federal offices as may be required by law or agreement.

6.08 AVAILABILITY OF FUNDS.

Appropriations for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy of the appropriation ordinance with the Director of Finance.

6.09 CAPITAL IMPROVEMENT ~~PROGRAM AND~~ BUDGET.

The process for the approval of the capital improvement ~~program and~~ budget shall be developed and passed as Council may establish by ordinance, ***PROVIDED THAT THE CAPITAL BUDGET and program SHALL BE ADOPTED NO LATER THAN DECEMBER 31ST.***

6.10 TRANSFERS.

The Council, on recommendation of the City Manager, may at any time by resolution, transfer any unencumbered balance of an appropriation from one item or project to another under the jurisdiction of the same organization unit. During the fourth quarter of the fiscal year, the Council may, by resolution, transfer any unencumbered balance of an appropriation from an item under the jurisdiction of one organization unit to one under the jurisdiction of another organization unit supported from the same fund. Transfers shall not be made from appropriations for debt service or other fixed items until all obligations due and payable during the fiscal year have been paid. The Council may at any time amend or revise the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated will be available.

6.11 PURCHASING.

No City official or employee shall have authority to create an obligation against the City by oral agreement. No purchase order or contract shall be valid as an obligation of the City unless it bears a certificate signed by the Director of Finance that the estimated amount thereof has been entered as an encumbrance in the City accounts against an allotment based on a valid appropriation. Council may, by passage of legislation, provide for purchasing procedures for the City

departments which may include one or more procedures for making emergency purchases by certain officers or employees of the Municipality.

6.12 OVER-EXPENDITURES.

No officer, department, or agency of the City shall, during any fiscal year, expend or contract to expend any money, or incur any liability, or enter into any contract which by its terms involves the expenditure of money on behalf of the City, for any purpose, in excess of the amounts appropriated and allotted for such expenditures and obligations. Any such purported obligation, oral or written, made in violation hereof shall be void. The officer or employee who knowingly attempts or purports to create such an obligation shall be guilty of malfeasance in office and upon conviction thereof shall be removed from his or her post and disqualified from holding further office or employment under the government of the City. However, nothing in this section shall prevent the making of contracts not to be fully performed within the fiscal year, when specifically authorized by the Council.

6.13 COMPETITIVE BIDDING.

Purchase of supplies, materials, and equipment and the construction of public improvements for the City shall be made pursuant to specifications through open, competitive bidding, under such rules consistent with this Charter as the Council may establish by ordinance. The City Manager shall award and execute all contracts on behalf of the City. Formal advertising, bidding, and public opening and tabulation of bids shall be required if the statutory or common law of the state requires it, except in cases of public disaster declared by the Mayor, when purchases may be made in the open market. Notwithstanding any statement to the contrary, by a vote of not less than five members, Council may waive the competitive bidding requirement if, a) the statutory or common law of the State of Ohio does not require competitive bidding; or b) if Council determines that an item is available and can be acquired only from a single source; or c) if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City.

6.14 FEES.

All fees received by any officer or employee of the City in connection with employment with the City shall be accounted for and paid into the City treasury, except as otherwise provided by law.

ARTICLE VII

Borrowing

7.01 POWER TO BORROW.

The City may incur indebtedness upon authorization by the Council, by ordinance, by issuing its bonds or notes in anticipation of bonds, or in

anticipation of income, to finance any public works project which the Council may decide to construct **OR FOR CAPITAL ASSETS** ~~or existing enterprise~~ it may decide to acquire. Such projects shall include, but shall not be restricted to, those specifically authorized by general state law. In issuing such bonds or notes, Council shall be bound by the definitions, limitations, and procedures prescribed by the Constitution and general laws of Ohio then in effect.

7.02 RESTRICTIONS ON BOND ISSUES.

The first ordinance in a series leading to the eventual issuance of bonds or notes for the construction of a public improvement shall not be passed without a public hearing. That hearing shall not be at the same meeting at which said ordinance is introduced.

ARTICLE VIII

Personnel

8.01 MERIT SYSTEM

All appointments and promotions of employees in the service of the City shall be made according to merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council. Council shall establish a classified and unclassified service for employees of the City and a Code of Personnel Practices and Procedures to define and govern the mandate of this section; provided that appointments to and removal from elected and appointed offices, boards, and commissions created by this Charter shall be made in accordance with the specific applicable provision of this Charter and shall not be subject to this Article.

(1) PERSONNEL REVIEW BOARD.

There is hereby created a Personnel Review Board which shall consist of three qualified electors of the Municipality not holding other public office, appointment, or employment to be appointed by a majority vote of Council who shall serve overlapping three-year terms.

(2) ORGANIZATION OF PERSONNEL REVIEW BOARD.

The Board shall designate one of its members as Chair and the Council by Resolution may authorize the appointment by said Board of a Clerk who may be a person having other employment with the Municipality.

(3) POWERS.

The Personnel Review Board shall have the power to hear such appeals by City employees from administrative determinations

made pursuant to said Code of Personnel Practices and Procedures, as may be authorized by said Code, and may have such other powers and duties as may from time to time be given to it by Council. The Board shall keep a record of its proceedings which shall be open to public inspection and shall conduct its proceedings in accordance with the ordinances of Council enacted pursuant to this Charter and the rules and regulations of the Board adopted by it pursuant to authority granted by Council.

ARTICLE IX

Boards and Commissions

Unless otherwise established in this Charter, the Council may, by ordinance, establish and define the procedures and duties of City Boards and Commissions and fix the number, qualifications and terms of the members thereof. Council may establish a Board of Health by ordinance, unless the City enters into a contract with any health district approved by the Ohio Department of Health as permitted under state law.

9.01 PLANNING AND ZONING COMMISSION.

There shall be a Planning and Zoning Commission consisting of seven (7) members, all of whom shall be qualified electors of the City. All seven (7) members shall be appointed by City Council. One (1) member shall be selected from each ward of the City and the remaining member(s) shall be selected at large. All terms shall be for **FOUR (4)** ~~six (6)~~ years. The Commission may, by a majority vote, dismiss a member from office because of poor attendance or misconduct in office. Vacancies shall be filled by Council for the unexpired term of the vacating member. Full-time employees of the City, so long as they are qualified electors of the City, shall be permitted to serve on the Planning and Zoning Commission by appointment of City Council, provided, however, that no more than one (1) such City employee shall be permitted to serve at the same time. Members of the Commission shall receive compensation as authorized by City Council.

9.02 POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission shall have and exercise all powers and duties conferred upon City planning commissions by state law, and such other powers and duties as may be conferred upon it by ordinance. Among its powers and duties, the Commission shall:

- (1) Review and recommend to City Council for approval:
 - (a) A master plan, ***AS OFTEN AS NECESSARY, BUT NO LESS FREQUENTLY THAN EVERY TEN (10) YEARS FOLLOWING APPROVAL OF THE PRIOR MASTER PLAN BY CITY COUNCIL***;
 - (b) A subdivision platting ordinance, which shall include minimum lot sizes and building sites;
 - (c) An official City map;
 - (d) A zoning plan and ordinance, which may include such requirements for parks, recreation areas, and traffic and utility provisions as may be deemed necessary for the promotion of the public health, safety, and general welfare; and
 - (e) Such changes to the aforementioned plans and ordinances as may be deemed necessary for the promotion of the public health, safety, and general welfare.
- (2) Approve preliminary plats and final plats which conform to the subdivision platting ordinance, provided that such plats shall be subject to review, modification, and reapproval of those plats or portions thereof on which construction has not been started within two (2) years after the next preceding approval.

ARTICLE X

Nominations and Elections

10.01 MUNICIPAL ELECTIONS.

The regular municipal election for the choice of members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution. Both regular and special municipal elections shall be conducted by the Board of Elections of Franklin County. Where the Charter and ordinances are silent on election procedure, the provisions of the election laws of the State of Ohio shall be followed.

10.02 NOMINATIONS.

A partisan primary election shall be held in the City for the nomination of all elective City officials. In the event the number of candidates from a political party is less than or equal to the number of positions to be filled in the next election, then no primary election need be held. Nothing herein shall preclude any independent candidate for election from filing consistent with state law with the Board of Elections to be a candidate in the regular municipal election.

11.03 WATCHERS AND CHALLENGERS

At each election, each candidate shall be entitled, to appoint one (1) person and one (1) alternate to represent the candidate as watcher and challenger at each polling place during the casting and counting of ballots, and one (1) person and one (1) alternate to represent him/her, the candidate, as watcher and challenger during the canvass of votes at the Board of Elections, as provided by the election laws of the State of Ohio.

ARTICLE XI

Recall

11.01 RECALL.

The voters of the City shall have power to recall and remove from office any elected official before the expiration of that officer's term. A recall may be started by filing with the Board of Elections a petition signed by a number of electors equal to twenty-five percent (25%) of the total number of electors who voted at the last preceding regular municipal election. This petition shall contain the name of the person whose removal is sought and a statement containing no more than two hundred (200) words relating to the grounds for removal.

11.02 FORM OF PETITION.

All petition papers circulated for the purpose of recall shall be uniform in size and style. The signatures to petitions need not all be appended to one paper, but to each separate part there shall be appended a certificate of the circulator that he or she only personally circulated the petition, that it bears a stated number of signatures, that each signature was affixed in his or her presence, and that he or she believes them to be the genuine signatures of the persons whose names they purport to be. This certificate shall be sworn to before an officer qualified by law to administer oaths. Each signer shall sign his or her name in ink or indelible pencil and shall insert after his or her name his or her place of residence and the date of signing. The circulation of petitions, including the qualifications of the circulators thereof, shall be conducted in accordance with the general laws of the State of Ohio; provided, that, a petition circulator shall also be an elector of the City of Hilliard.

11.03 ELECTION.

Upon the determination by the Board of Elections that a recall petition filed in that office is sufficient, Council shall, by resolution, not more than seven (7) calendar days following receipt by the Clerk of Council of a notice of sufficiency by the Board of Elections, certify to the Board of Elections the question "shall John Doe (naming the official) be recalled from office as (naming the office) in the City of Hilliard? Yes... No..." Such question shall be placed upon the ballot at the next primary or municipal election occurring not less than ninety (90) days thereafter. The Council may provide by resolution that the question be submitted

at a special election. If a majority of the votes cast on the question shall be in favor of recall, the official shall forthwith retire from office and the Council shall fill the vacancy thus created in the manner provided in this Charter. If at any stage in the recall procedure, prior to the election, the official against whom the recall petition is directed shall offer a resignation from office, the Council shall have the power to accept it, and if accepted, all further proceedings under the recall shall be terminated. No recall shall be filed against an official during the official's first six (6) months in office. If an official against whom a petition is filed is continued in office by the vote at the election, no further recall petitions may be filed against him or her for a period of one (1) year.

ARTICLE XII

General Provisions

12.01 OATH OF OFFICE.

Every officer and employee of the City shall, before entering upon his or her duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of the Clerk of Council:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this City, and will faithfully discharge the duties of _____ upon which I am about to enter."

12.02 OFFICIAL BONDS.

All officers and employees of the City whose duties require that they handle or be concerned with the management of its money or other property, shall be bonded, before entering upon their duties, by a corporate surety bond issued by a company authorized to do business in Ohio. The amounts of such bonds shall, in each case, be determined by the Council. The premiums on such bonds shall be paid from the funds of the City.

12.03 PERSONAL INTEREST.

Unless otherwise provided by this Charter, the laws of the State of Ohio pertaining to conflicts of interest and unlawful interests in a public contract shall apply to all elected and appointed officials and employees of the City and to the appointees to the City's boards and commissions.

12.04 REMOVAL FROM OFFICE.

Whenever in this Charter certain acts on the part of City officials or employees are described as constituting malfeasance in office, the procedure for complaint, trial, and judgment thereon shall be that prescribed in Section 733.72 to 733.77 of the Revised Code of Ohio, as now exist or as hereafter amended.

12.05 ENFORCEMENT OF SUBPOENAS.

Whenever in this Charter the Council or any other agency of the City government is given authority to issue subpoenas and to require the attendance of witnesses and the production of books, papers, ballots, or records, the same shall be issued and enforced in the manner provided in Section 705.21 of the Revised Code of Ohio, as now exists or as hereafter amended.

12.06 AMENDMENTS TO THE CHARTER.

Any provision of this Charter may be amended, as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the City. Such amendment may be initiated either by a two-thirds (2/3rd) vote of the Council or by petition to the Council signed by ten percent (10%) of the electors.

12.07 CHARTER REVIEW COMMISSION.

As often as necessary, but no less frequently than every ten (10) years, the Council shall appoint a Charter Review Commission who shall review the Charter and make recommendations to the Council for proposed amendments, if any, to be submitted to the voters of the City. Any such ten (10) year time period shall commence upon the date that the then-appointed Charter Review Commission submits its final report and recommendations to the Council. The appointment of a Charter Review Commission within the prescribed period shall not preclude the Council from submitting recommended Charter amendments to the voters from time to time.

12.08 ACCESS TO GOVERNMENT.

The City is committed to the fundamental principle that the government is maintained by its citizens for its citizens. Consistent with this principle, and in accordance with federal and state law, as well as this Charter, the City's meetings are open to its citizens and its records accessible by its citizens. Every reasonable effort shall be made to ensure that City documents are made available, on a timely basis, to citizens outside of official City business hours, if requested, to the extent possible.

12.09 REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES.

Notwithstanding any other provision of this Charter, a referendum petition on any Zoning Ordinance **TO REZONE PROPERTY** may be filed within sixty (60) days after passage by the Council of the Zoning Ordinance, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision in this Charter, a Zoning Ordinance shall not become effective prior to sixty (60) days following its passage by the Council, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision of this Charter, no Zoning Ordinance shall be passed by Council on

an emergency basis. “Zoning Ordinance” for purposes of this Section, means any ***LEGISLATION PASSED BY HILLIARD CITY COUNCIL THAT CHANGES THE ZONING CLASSIFICATION OR CHANGES THE USE OF PROPERTY*** ~~ordinance or other measure passed by the Council that modifies the City’s zoning code or modifies the application of the City’s zoning code to any property~~ in the City.

12.10 PROHIBITION OF CREATION OF TAX INCREMENT FINANCING INCENTIVE DISTRICTS FOR DWELLING UNIT IMPROVEMENTS AND PROHIBITION OF DWELLING UNIT IMPROVEMENTS TO BE A PUBLIC PURPOSE *WITHOUT APPROVAL OF HILLIARD CITY SCHOOLS BOARD OF EDUCATION AND APPLICABLE TOWNSHIP TRUSTEES WHICH PROVIDE FIRE AND EMS SERVICES.*

Notwithstanding any other provision of this Charter or Ohio law, the Council shall not:

- (1) Declare an improvement to any parcel in the City to be a “public purpose,” pursuant to Section 5709.40(B) of the Ohio Revised Code, or any other provision of the Ohio Revised Code, Chapter 5709, as now exists or hereafter amended, if the improvement includes the construction or creation of one or more Dwelling Units; or
- (2) Create an “incentive district,” pursuant to Section 5709.40(C) of the Ohio Revised Code, or any other provision of the Ohio Revised Code Chapter 5709, as now exists or hereafter amended, unless the Council limits the improvements in the “incentive district” so as to exclude the construction or creation of one or more Dwelling Units in the “incentive district”
WITHOUT FIRST OBTAINING APPROVAL OF THE HILLIARD CITY SCHOOL BOARD OF EDUCATION, AND APPLICABLE TOWNSHIP TRUSTEES WHICH PROVIDE FIRE AND EMS SERVICES TO THE PARCEL.

“Dwelling Unit” for purposes of Section 12.10 of this Charter, means any permanent building or portion thereof which is designated or used exclusively for residential occupancy ~~containing sleeping, cooking and sanitary facilities,~~ including but not limited to, apartments, houses, town houses, row houses, retirement communities or condominiums but does not include hotels or motels.

12.11 NON-DISCRIMINATION.

NO EMPLOYEES OR REPRESENTATIVES OF THE CITY OF HILLIARD SHALL DISCRIMINATE IN EMPLOYMENT OR CONTRACTS IN ANY MANNER PROHIBITED BY FEDERAL LAW, STATE LAW OR LOCAL ORDINANCE.

ARTICLE XIII

Transitional Provisions

13.01 FISCAL SUCCESSION.

The City of Hilliard, under this Charter, is hereby declared to be the only legal successor of the City of Hilliard under the general law and as such the City has title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes in the process of collection together with all accounts receivable and all rights of action. The City also is liable for all outstanding orders, contracts, and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction.

13.02 CONTINUATION OF ORDINANCES.

All ordinances of the City of Hilliard, in effect at the time this Charter becomes effective, shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.

13.03 CONTINUATION OF OFFICERS.

All persons holding office at the time this Charter, or any amendment thereto, takes effect shall continue in office within their duly elected or appointed terms except as specifically provided otherwise in this Charter, until provision shall have been made, in conformity with this Charter, for the performance of their duties by a successor, or the office is abolished. From November 7, 2018 through January 1, 2020, in the event of a vacancy in the office of Mayor, due to the resignation, death, or permanent disability of the Mayor, the President of Council shall serve as Mayor. If the President of Council is not available, or declines the position, Council shall then appoint a Council member who has been elected by the people to serve as Mayor. The person assuming the duties of Mayor shall serve for the remainder of the former Mayor's unexpired term. If no Council member accepts the appointment as Mayor, then Council shall appoint a qualified department director to serve as acting Mayor who shall serve in that capacity for the remainder of the former Mayor's unexpired term. The effectiveness of this Section 4.05 shall expire on January 1, 2020 whereupon it shall have no force and effect as to this Charter.

13.04 CONTINUATION OF EMPLOYEES.

Every employee of the City government of Hilliard, Ohio, when this Charter takes effect shall be retained in employment and shall thereafter be subject in all respects to the provisions of this Charter.

13.05 TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the City at the time this Charter becomes effective shall be transferred and

delivered promptly to their successors. In case of doubt as to which are the successors, Council shall designate them by ordinance.

13.06 CONTINUATION OF CONTRACTS AND IMPROVEMENTS.

All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.

13.07 PENDING ACTIONS AND PROCEEDINGS.

No action or proceedings, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any office, agency, or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they are filed.

13.08 WHEN CHARTER TAKES EFFECT.

THIS CHARTER AS AMENDED SHALL BE VOTED UPON AT THE GENERAL ELECTION ON *NOVEMBER 5, 2019* ~~NOVEMBER 6, 2018~~. IF APPROVED BY THE VOTERS, THE CHARTER AS AMENDED SHALL GO INTO EFFECT ON JANUARY 1, 2020, EXCEPT AS TO SECTION 4.02 ~~4.05~~ AND THE PARAGRAPH BELOW, BOTH OF WHICH *ARE IN EFFECT FROM* ~~SHALL BE EFFECTIVE~~ NOVEMBER 7, 2018 THROUGH MIDNIGHT OF DECEMBER 31, 2019.

If the Charter, as amended, is approved by the voters, from the date the votes are certified by the Franklin County Board of Elections to January 1, 2020, Council shall have the authority and ability to authorize and direct the Director of Human Resources to engage the services of a professional search firm to secure qualified candidates for the City Manager position; and Council shall have the authority and ability to direct the Director of Human Resources to enter into a contract with the candidate selected by City Council to assume the City Manager's position for transitional purposes. Notwithstanding the prior statements, the terms of a contract entered into with the selected candidate, during this period of transition shall not in any way conflict with or assume the powers and duties of the Mayor of Hilliard, as currently provided in the City's Charter under the Mayor-Council form of government, through the end of his term of office, which term expires at midnight, December 31, 2019.

- END -



Council Clerk's Office
City of Hilliard
3800 Municipal Way
Hilliard, Ohio 43026

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